

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>SEAN PRESSLEY,</b>	:	
<b>Plaintiff,</b>	:	<b>CIVIL NO. 3:08-0449</b>
<b>v.</b>	:	<b>(MANNION, D.J.)</b>
<b>ADAM HUBER, et al.,</b>	:	<b>(MEHALCHICK, M.J.)</b>
<b>Defendants</b>	:	

**ORDER**

In accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED:**

1. Plaintiff's motion for relief from the March 21, 2017 Order pursuant to [Fed.R.Civ.P. 60\(b\)](#), (Doc. [126](#)), is **DENIED AS PREMATURE**.
2. Insofar as plaintiff's Doc. [126](#) motion is construed as a motion for reconsideration with respect to the March 21, 2017 Order, it is **GRANTED**.
3. The March 21, 2017 Order, (Doc. [123](#)), is **VACATED** to the extent that it granted defendants' (Doc. [99](#)) summary judgment motion with respect to plaintiff's failure to protect claim.
4. The March 21, 2017 Memorandum, (Doc. [122](#)), and Order, (Doc. [123](#)), are also **VACATED** with respect to the finding that plaintiff failed to exhaust his administrative remedies under DC-ADM-804 of the DOC's grievance policy regarding his failure to protect and excessive force claims.
5. The March 21, 2017 Order, (Doc. [123](#)), **SHALL REMAIN IN EFFECT** to the extent that it granted defendants' (Doc. [99](#)) summary judgment motion on the merits with respect to plaintiff's due process cost assessment claim.
6. The court **RECOMMITS** this case to Judge Mehalchick and suggests that she issue an Order permitting the parties time to file summary judgment motions regarding the exhaustion issue under DC-ADM-804 with respect to plaintiff's failure to protect and excessive force claims.

s/ *Malachy E. Mannion*  
**MALACHY E. MANNION**  
United States District Judge

**Dated: August 1, 2017**